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10/532,287

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EXAMINER

PATTON, SPENCER D

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/532,287	Applicant(s) ARNOLD-HUYSER ET AL.	
	Examiner SPENCER PATTON	Art Unit 3664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/21/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-17 are pending.

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. **Claims 1 and 2** are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 8, 9, and 11 of copending Application No. 10/532025. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

Claims 1 and 2 of the present application are obvious in view of claims 1, 8, 9, and 11 of Application No. 10/532025.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

3. **Claims 3-17** are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9, 11, and 13-15 of copending Application No. 10/532025 in view of Pepin et al (US Publication No. 2002/0011951).

Application No. 10/532025 does not claim **(re claims 3 and 4)** a removable memory device or a flash card. Pepin et al teaches, in the last sentence of paragraph 8, that flash cards have several advantages over other methods of storing data, and suggest using flash cards for navigational applications. In view of Pepin et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include with the point-of-interest memory system as claimed in Application No. 10/532025, **(re claims 3 and 4)** a removable flash card, since Pepin et al teaches that these cards have several advantages over other data storage methods.

Claims 5 and 6 are obvious in view of the above reference and additionally claims 1, 2, 8, 9, and 11 of Application No. 10/532025.

Claim 7 is obvious in view of the above claims and additionally claim 3 of Application No. 10/532025.

Claim 8 is obvious in view of the above claims and additionally claim 4 of Application No. 10/532025.

Claim 9 is obvious in view of the above claims and additionally claim 5 of Application No. 10/532025.

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Claim 10 is obvious in view of the above claims and additionally claim 6 of Application No. 10/532025.

Claims 11, 12, 13, and 14 are obvious in view of the above claims and additionally claim 7 of Application No. 10/532025.

Claim 15 is obvious in view of the above claims and additionally claim 13 of Application No. 10/532025.

Claim 16 is obvious in view of the above claims and additionally claim 14 of Application No. 10/532025.

Claim 17 is obvious in view of the above claims and additionally claim 15 of Application No. 10/532025.

This is a provisional obviousness-type double patenting rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-3** are rejected under 35 U.S.C. 102(e) as being anticipated by Oshida et al (US Patent No. 6,434,482).

Oshida et al teaches:

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Re claim 1. A point-of-interest memory system for use in a vehicle comprising:

a database (column 3, lines 3-9) including roadway data including highway identification information including exits and location information, street names (column 2, line 2) and address numbers (it is well known in the art to include address numbers in a navigational database) and the location and identification of points of interest (Figure 3), wherein said database has data sets layered (column 1, line 63 through column 2, line 3) thereon according to road network information and separately point-of-interest information such that said database can be updated separately at different time intervals for separately updating the road network information and point-of-interest information.

Re claim 2. Wherein said database is programmed into a programmable memory (CD-ROM 11, Figure 2).

Re claim 3. Wherein said programmable memory is a removable memory device (CD-ROM 11, Figure 2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Oshida et al (US Patent No. 6,434,482) in view of Pepin et al (US Publication No. 2002/0011951).

The teachings of Oshida et al have been discussed above.

Oshida et al fails to specifically teach: **(re claim 4)** wherein said removable memory device is a flashcard.

Pepin et al teaches, in the last sentence of paragraph 8, that CD drives are heavier, take up more space, draw more power and are less updatable than flash cards, and suggest using flash cards in place of CDs.

In view of Pepin et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include with the point-of-interest memory system as taught by Oshida et al, **(re claim 4)** wherein said removable memory device is a flashcard; since Pepin et al teaches that flash cards have several advantages over CDs.

Oshida et al additionally teaches:

Re claim 5. Wherein said system includes:

a GPS receiver (position measuring device 13, Figure 2; and column 4, lines 18-23);

a display (monitor 25, Figure 2); and

a microprocessor (controller 18, Figure 2) coupled to said memory, to said GPS receiver, and to said display for displaying point-of-interest information to an operator of a vehicle in which said system is installed.

5. **Claims 6, 7, and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Oshida et al (US Patent No. 6,434,482) as modified by Pepin et al (US Publication No. 2002/0011951) as applied to claim 5 above, and further in view of Hashima et al (US Patent No. 6,816,783).

The teachings of Oshida et al as modified by Pepin et al have been discussed above.

Oshida et al as modified by Pepin et al fails to specifically teach: **(re claim 6)** further including at least one operator actuated switch coupled to said microprocessor to allow the operator to select for individual display one of addresses on a street on which the vehicle is traveling and separately cross-streets ahead and behind the vehicle; **(re claim 7)** wherein said display of addresses further includes a display of the street name on which the vehicle is traveling; **(re claim 8)** wherein said display of cross streets includes graphic lines depicting sides of a roadway and the cross streets are positioned between said lines.

Hashima et al teaches, at Figures 5 and 7, and column 4, lines 33-36, and column 3, lines 54-64, including an address, including the street name (Nishiki, Figure 7), of the current position of a navigation unit when it is in a portable mode separately from a map, which includes cross-streets ahead and behind the vehicle and switching between modes based on the operator attaching or removing a GPS antenna. Hashima et al also teaches, at Figure 5, displaying lines depicting the sides of a roadway with the cross streets being within these lines.

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In view of Hashima et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include with the point-of-interest memory system as taught by Oshida et al as modified by Pepin et al, **(re claim 6)** further including at least one operator actuated switch coupled to said microprocessor to allow the operator to select for individual display one of addresses on a street on which the vehicle is traveling and separately cross-streets ahead and behind the vehicle; **(re claim 7)** wherein said display of addresses further includes a display of the street name on which the vehicle is traveling; **(re claim 8)** wherein said display of cross streets includes graphic lines depicting sides of a roadway and the cross streets are positioned between said lines; since Hashima et al teaches that this provides advantages when navigating at slow speeds, and it is useful to know an approximate size of a road which one is about to cross.

Oshida et al additionally teaches:

Re claim 9. wherein said display of cross streets includes at least one arrow (vehicle position mark CM, Figure 1(a)) aligned with respect to the displayed cross streets at a position indicating the position of the vehicle with respect to said cross streets.

Re claim 10. Wherein said display displays two cross streets ahead of the vehicle (Figure 1(a)).

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Oshida et al as modified by Pepin et al and Hashima et al fails to specifically teach: **(re claim 11)** wherein said display includes two arrows with an arrow positioned adjacent each graphic line representing a side of a roadway.

Hashima et al teaches, at Figure 5, including an arrow positioned adjacent each line representing a side of a roadway. Oshida et al teaches, at Figure 1(b), including a second arrow (ARW') which indicates the direction of the next upcoming exit.

In view of Hashima et al and Oshida et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include with the point-of-interest memory system as taught by Oshida et al as modified by Pepin et al and Hashima et al, **(re claim 11)** wherein said display includes two arrows with an arrow positioned adjacent each graphic line representing a side of a roadway; since Hashima teaches providing an arrow indicating a vehicle's present position, and Oshida et al teaches providing an arrow which indicates the direction of a next exit, these teachings help a driver know their current location and plan their next turn.

Oshida et al additionally teaches:

Re claim 12. Further including at least one operator actuated switch (remote control unit, column 6, line 6) which permits the operator to select a point of interest from a menu of available points of interest when on a highway and said display displays the distance (2km, Figure 1(b)) and direction (ARW', Figure 1(b)) to said selected point of interest (column 6, lines 5-38).

Re claim 13. Wherein said operator-actuated switch (remote control unit, column 6, line 6) permits the operator to select a point of interest from a menu of available points of interest and said display selectively displays detailed information (type of establishment (gas station, restaurant etc) distance, direction, Figure 1(b)) regarding a selected point of interest (column 6, lines 5-38).

Re claim 14. Wherein said operator-actuated switch permits the operator to selectively display the exits on a highway on which the vehicle is traveling, wherein said microprocessor is programmed to respond to operator input signals from said switch to provide a scroll-forward (column 4, lines 27-28) display of upcoming highway exits and for displaying points of interest accessible at such highway exits (Figure 1(a)).

Re claim 15. Further including an electronic compass coupled to said display (column 4, lines 20-21).

6. **Claims 16 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Oshida et al as modified by Pepin et al as applied to claim 5 above, and further in view of Michmerhuizen (US Patent No. 6,047,237).

The teachings of Oshida et al as modified by Pepin et al have been discussed above.

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Oshida et al as modified by Pepin et al and Hashima et al fails to specifically teach: **(re claim 16)** further including an outside temperature sensor coupled to said display; **(re claim 17)** further including a trip computer coupled to said display.

Michmerhuizen teaches, at column 4, lines 37-42, providing external temperature and trip computer data to a driver of a vehicle.

In view of Michmerhuizen's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include with the point-of-interest memory system as taught by Oshida et al as modified by Pepin et al, **(re claim 16)** further including an outside temperature sensor coupled to said display; **(re claim 17)** further including a trip computer coupled to said display; since Michmerhuizen teaches this is useful data to a driver of a vehicle.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SPENCER PATTON whose telephone number is (571)270-5771. The examiner can normally be reached on Monday-Thursday 7:30-5:00; Alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on (571)272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SPENCER PATTON/
Examiner, Art Unit 3664

3/12/2009
/KHOI TRAN/
Supervisory Patent Examiner, Art Unit 3664